Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Quick Gas & Lube, 8621 Westheimer Road, Houston, Harris County

Type of Operation:

Convenience store with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 21, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$25,584

Amount Deferred for Expedited Settlement: \$5,116 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$693 Total Due to General Revenue: \$19,775

Payment Plan: 35 payments of \$565 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Poor

Site/RN - Poor

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 17, 2011

Date(s) of NOE(s): June 24, 2011

Violation Information

- 1. Failed to timely renew a previously issued underground storage tank ("UST") delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on August 31, 2010 [30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].
- 2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, the Respondent received five deliveries of fuel without a delivery certificate [30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)].
- 3. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs [30 Tex. Admin. Code § 37.815(a) and (b)].
- 4. Failed to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube for each regulated UST according to the UST registration and self-certification form [30 Tex. ADMIN. CODE § 334.8(c)(5)(C)].
- 5. Failed to inspect all sumps including the dispenser sumps, manways, overspill containers, or catchment basins associated with the UST system at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid-tight and free of any liquid or debris. Specifically, there was liquid in the spill containment bucket [30 Tex. Admin. Code § 334.42(i)].
- 6. Failed to install an emergency shutoff valve (also known as shear or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser. Specifically, the shear valves for dispenser nos. 5 and 6 were not anchored [30 Tex. Admin. Code § 334.45(c)(3)(A)].
- 7. Failed to report a suspected release to the TCEQ within 24 hours. Specifically, statistical inventory reconciliation ("SIR") results for April 2011 indicated a suspected release that was not reported [30 Tex. Admin. Code § 334.72(3)].

- 8. Failed to investigate a suspected release within 30 days of discovery. Specifically, SIR results for April 2011 indicated a suspected release that was not investigated [30 Tex. ADMIN. CODE § 334.74].
- 9. Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].
- 10. Failed to obtain an SIR analysis from the designated provider within 15 calendar days following the last day of the calendar month for which the analysis was performed [30 Tex. Admin. Code § 334.50(d)(9)(A)(iii) and Tex. Water Code § 26.3475(c)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:

- a. Obtained acceptable financial assurance coverage for all USTs on May 18, 2011; and
- b. Anchored the shear valves on May 25, 2011.

Technical Requirements:

The Order will require the Respondent to:

- a. Immediately, cease accepting fuel until such time as a valid UST delivery certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form.
- b. Within 30 days:
- i. Ensure that the USTs at the Facility are properly tagged, labeled, or marked with an identification number that matches the number listed on the UST registration and self-certification form;
- ii. Clean the spill buckets and begin conducting bimonthly inspections of all sumps, manways, overfill containers, or catchment basins associated with the UST system;
- iii. Establish and implement a process for reporting suspected releases;
- iv. Conduct an investigation of the suspected release and implement appropriate corrective measures;

v. Implement a release detection method for all USTs and take appropriate steps to assure the receipt of a monthly analysis report from the SIR vendor within the first 15 calendar days of every month; and

c. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Judy Kluge, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5825; Debra Barber, Enforcement Division, MC 219,

(512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Mohammed Zainaldin, Director, QUICK GAS & LUBE INC., 8621

Westheimer Road, Houston, Texas 77063-4201

Anastasiia Sheremet, Secretary, QUICK GAS & LUBE INC., 8621 Westheimer Road,

Houston, Texas 77063-4201 **Respondent's Attorney:** N/A

Penalty Calculation Worksheet (PCW) PCW Revision October 30, 2008 Policy Revision 2 (September 2002) Assigned 27-Jun-2011 Screening 5-Jul-2011 **EPA Due** PCW 11-Jul-2011 RESPONDENT/FACILITY INFORMATION Respondent QUICK GAS & LUBE INC Reg. Ent. Ref. No. RN101906485 Major/Minor Source Minor Facility/Site Region 12-Houston **CASE INFORMATION** Enf./Case ID No. 42034 No. of Violations 9 Order Type 1660 Docket No. 2011-1142-PST-E Government/Non-Profit No Media Program(s) Petroleum Storage Tank Enf. Coordinator Judy Kluge Multi-Media EC's Team Enforcement Team 6 \$10,000 Maximum Admin. Penalty \$ Limit Minimum Penalty Calculation Section \$18,000 TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. 35.0% Enhancement Subtotals 2, 3, & 7 \$6,300 Compliance History Enhancement for one enforcement order with a denial of liability, one Notes NOV with same/similar violations, and Poor Performer classification. \$0 0.0% Enhancement Subtotal 4 Culpability No The Respondent does not meet the culpability criteria. Notes \$1,000 Good Faith Effort to Comply Total Adjustments Subtotal 5 Subtotal 6 \$0 0.0% Enhancement* **Economic Benefit** Capped at the Total EB \$ Amount Total EB Amounts Approx. Cost of Compliance \$23,300 SUM OF SUBTOTALS 1-7 \$2,284 9.8% Adjustment OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage Recommended enhancement to capture the avoided cost of compliance Notes associated with violation nos. 3, 5, and 7. Final Penalty Amount \$25,584 \$25,584 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty -\$5,116 Adjustment 20.0% Reduction

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Deferral offered for expedited settlement.

\$20,468

Screening Date 5-Jul-2011

Docket No. 2011-1142-PST-E

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent QUICK GAS & LUBE INC.

Case ID No. 42034

Reg. Ent. Reference No. RN101906485

Notes

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Compliance History Worksheet

Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audite	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
eat Violator	Adjustment Per	centage (Sub	total 2)
No		centage (Sub	total 3)
npliance Hist	ory Person Classification (Subtotal 7)		
Poor Per	former Adjustment Per	centage (Sub	total 7)
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Compliance			

Total Adjustment Percentage (Subtotals 2, 3, & 7)

35%

on 2 (September 2002)		Screening Date
ision October 30, 2008		Respondent Case ID No.
ision october 50, 2000		Ent. Reference No.
	um Storage Tank	Media [Statute]
		Enf. Coordinator
		Violation Number
	30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)	Rule Cite(s)
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Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
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Respondent QUICK GAS & LUBE INC. Reg. Ent. Reference No. RI101906485 Media [Statute] Petroleum Storage Tank Finf. Coordinator Judy Kluge Violation Number Rule Cite(s)	PCW		Screening Date	
Reg. Ent. Reference No. RR 101906485 Media [Statute] Petroleum Storage fank Enf. Coordinator Judy Kluge Violation Number Rule Cite(s) Faired to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, the Respondent recertificate. Specification, the Respondent recertificate. Base Penalty \$10,000 **Property and Human Health Matrix Harm Actual Property and Human Health Matrix Faired Town Major Moderate Minor Percent 5% **Programmatic Matrix Faired Town Major Moderate Minor Percent 0% **Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. **Adjustment** **Violation Events* Number of Violation Events **Number of Violation Events* **Five single events are recommended for accepting five delivenes of fuel. **Single Events* Five single events are recommended for accepting five delivenes of fuel. **Single Events* **Violation Base Penalty* **Violation Base Penalty* **Violation Base Penalty* **Violation Base Penalty* **Single Events* **Title Respondent does not meet the good faith criteria for this violation. **Violation Subtotal* **Violation Final Penalty Total* **Single Events* **Violation Final Penalty Total* **Si	, .			
Media [Statute] Petroleum Storage Tank	ision October 30, 200			· •
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Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTS. Specifically, the Respondent received five deliveries of fuel without a delivery certificate before accepting delivery of a regulated substance into the USTS. Specifically, the Respondent received five deliveries of fuel without a delivery certificate. Sase Penalty \$10,000 Sase				
Falic to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, the Respondent received five deliveries of fuel without a delivery certificate. Service Property and Human Health Matrix Harm Notes Major Noderate Minor Noderate Minor Noderate Minor Noderate Minor Notes Which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$9,500 **Spool Faith Efforts to Comply 0.0% Noderate Node Noderate Noderate Node Noderate Noderate Node Noderate Nodera		s) 20 Tey, Admin, Code 5 334 8(c)(5)(A)(1) and Tey, Water Code 5 26 3467(a)	Rule Cite(s)	
Violation Description Certificate before accepting delivery of a regulated substance into the USTS. Specifically, the Respondent received five deliveries of fuel without a delivery certificate. Base Penalty \$10,000 Certificate Minor Release Major Hoderate Minor Percent 5% >> Programmatic Matrix Fabrification Major Moderate Minor Percent 0% Matrix Notes Which would not exceed evels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$9,500 \$500 **Joint County** **Joint County** Five single events are recommended for accepting five deliveries of fuel. **Good Faith Efforts to Compty** Extraordinary Cordinary Notes The Respondent does not meet the good faith criteria for this violation. **Standard Substance into the USTS. **Substance Penalty** **Joint County** **Five single events are recommended for accepting five deliveries of fuel. **Substance Penalty** **Joint County** **Substance Penalty** **Joint County** **Joint		30 Tex. Admin. Code 3 334.0(c)(3)(A)(f) dila Tex. Water code 3 20.3 To/(a)		
Violation Description Certificate before accepting delivery of a regulated substance into the USTS. Specifically, the Respondent received five deliveries of fuel without a delivery certificate. Base Penalty \$10,000 Certificate Minor Release Major Hoderate Minor Percent 5% >> Programmatic Matrix Fabrification Major Moderate Minor Percent 0% Matrix Notes Which would not exceed evels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$9,500 \$500 **Joint County** **Joint County** Five single events are recommended for accepting five deliveries of fuel. **Good Faith Efforts to Compty** Extraordinary Cordinary Notes The Respondent does not meet the good faith criteria for this violation. **Standard Substance into the USTS. **Substance Penalty** **Joint County** **Five single events are recommended for accepting five deliveries of fuel. **Substance Penalty** **Joint County** **Substance Penalty** **Joint County** **Joint		The state of the s	,	
Seconomic Benefit (EB) for this violation Release Major Moderate Minor Percent 5% Release Major Moderate Minor Percent 5% Percent 0% Percent 0% Adjustment soriolidation soriolidation soriolidation soriolidation. Adjustment 59,500 S500 S50		certificate before accepting delivery of a regulated substance into the USTs. Specifically, the Respondent received five deliveries of fuel without a delivery	Violation Description	
Seconomic Benefit (EB) for this violation Release Major Moderate Minor Percent 5% Release Major Moderate Minor Percent 5% P	\$10.00	Pace Penalty	Щ	
Release Actual Potential Actual Actual Actual Potential Actual Potential Actual Actual Potential Actual	\$10,000			
Percent 5% >> Programmatic Matrix Falsification Major Moderate Minor Percent 0% Matrix Notes Falsification Major Moderate Minor Matrix Notes Falsification Major Moderate Minor Percent 0% Matrix Notes Falsification Major Moderate Minor Percent 0% Matrix Notes Falsification Major Moderate Minor Percent 0% Matrix Matrix Notes Which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment 59,500 ### Spoint Spoint ### Spoint Spoint ### Spoint Spoint ### Spoint #		Harm		>> En:
Potential			6	
Programmatic Matrix Falsification Plajor Moderate Minor Falsification Plajor Moderate Minor Falsification Plajor Moderate Minor Ferent 0% Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$9,500 ### Spinor Provided P				UK
Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment		A Preference 570	roteiltiai	
Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$9,500 \$			ogrammatic Matrix	>>Pro
Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$9,500 \$500 \$500 \$100			Falsification	
Matrix Notes Notes Notes Notes Number of violation Sy,500		Percent 0%	<u> </u>	
which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. Adjustment \$9,500 \$500 Adjustment \$9,500		the second to be seen than a populate of pollutable	produced-sec-se-se-se-se-se-se-se-se-se-se-se-se-se-	
Adjustment \$9,500 \$500 \$5		t not exceed levels that are protective of human health or environmental receptors as a	Matrix Which would no	
Sood Faith Efforts to Comply O.0% Reduction Statutory Limit Test			Notes Willell Would It	
Sood Faith Efforts to Comply O.0% Reduction Statutory Limit Test			L.	
Number of Violation Events Number of Violation Events 5		Adjustment \$9,500		
Number of Violation Events Number of Violation Events 5	\$500			
Number of Violation Events 5		· · · · · · · · · · · · · · · · · · ·		
Five single events are recommended for accepting five deliveries of fuel. Five single event Five single event Five single event Semiannual annual single event Semiannual annual single event Five single event Five single event Semiannual annual single event X Five single event Sefore NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Seconomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706			ion Events	/iolati
Five single events are recommended for accepting five deliveries of fuel. Five single event Five single event Five single event Semiannual annual single event Semiannual annual single event Five single event Five single event Semiannual annual single event X Five single event Sefore NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Seconomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706		SW-Jaking French Burgharian days	M	
weekly monthly quarterly semiannual annual single event x Five single events are recommended for accepting five deliveries of fuel. Five single events are recommended for accepting five deliveries of fuel. Sood Faith Efforts to Comply 0.0% Reduction 90 NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Five single events are recommended for accepting five deliveries of fuel. \$0 Violation Subtotal \$2,500 Sconomic Benefit (EB) for this violation \$2,500 Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706		of Violation Events 5 Number of Violation days	Number of V	
weekly monthly quarterly semiannual annual single event x Five single events are recommended for accepting five deliveries of fuel. Five single events are recommended for accepting five deliveries of fuel. Five single events are recommended for accepting five deliveries of fuel. Five single events are recommended for accepting five deliveries of fuel. Five single events are recommended for accepting five deliveries of fuel. Five single events are recommended for accepting five deliveries of fuel. Stood Faith Efforts to Comply Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary Ordinary N/A X (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Sconomic Benefit (EB) for this violation Estimated EB Amount \$0 Violation Final Penalty Total \$3,706		daily		
Five single events are recommended for accepting five deliveries of fuel. Five single events are recommended for accepting five deliveries of fuel. Five single events are recommended for accepting five deliveries of fuel. Sood Faith Efforts to Comply Defore NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A X (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706				
semannual annual single events are recommended for accepting five deliveries of fuel. Five single events are recommended for accepting five deliveries of fuel. Five single events are recommended for accepting five deliveries of fuel. \$COMPLY		monthly		
Five single events are recommended for accepting five deliveries of fuel. Five single events are recommended for accepting five deliveries of fuel. \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$2,500	e quarterly Violation Base Penalty		
Five single events are recommended for accepting five deliveries of fuel. Five single events are recommended for accepting five deliveries of fuel.			,,,,,, , ,, ,	
Five single events are recommended for accepting five deliveries of fuel. Solid Faith Efforts to Comply		■ (h		
Good Faith Efforts to Comply Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706		Shigle eventx		
Good Faith Efforts to Comply Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706				
Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706		Five single events are recommended for accepting five deliveries of fuel.	F	
Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706				
Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706	40	0.00/15/3/22		4
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Conomic Benefit (EB) for this violation Estimated EB Amount \$0 Violation Final Penalty Total \$3,706	Ψ.		raith Efforts to Comp	1000 F
Ordinary N/A x (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706				
N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,500 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706		Ordinary		
this violation. Violation Subtotal \$2,500 Conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706				
this violation. Violation Subtotal \$2,500 Conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706		The Descendent deer not meet the good faith criteria for		
Violation Subtotal \$2,500 conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706				
conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706				
conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$3,706	\$2.500	Violation Subtotal		
Estimated EB Amount \$0 Violation Final Penalty Total \$3,706	\$2,500	Violation Subtotal		
Estimated EB Amount \$0 Violation Final Penalty Total \$3,706		or this violation Statutory Limit Test	mic Benefit (EB) for	conor
	A3 707			***************************************
This violation Final Assessed Penalty (adjusted for limits) \$3,706	\$3,706	ated EB Amount \$0 Violation Final Penalty Total	Estimate	
	\$3,706	This violation Final Assessed Penalty (adjusted for limits)		
111/4/PW4/PW1111111111111111111111111111				

	E	conomic l	Benefit	Wo	rksheet		
Respondent	OUTCK GAS &	LUBE INC.	1977 1979 1980 1980 1980 1980 1980 1980 1980 198	1979993111110010			
Case ID No.							
Reg. Ent. Reference No.							Years of
	Petroleum Sto	rage rank				Percent Interest	Depreciation
Violation No.	2						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs							
Delayed Costs Equipment		T I		1 0.00	\$0	\$0	\$0
Buildings		 		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction		i i		0.00	\$0	\$0	\$0
Land		i i		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	ANNIIAI	endriën bed 1919 en ei nachteur			cluded in violation	no. 1. for one-time avoid	led costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling		i i		0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$0					

Screening Date		PCW
	·	Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.		PCW Revision October 30, 2008
	Petroleum Storage Tank	
Enf. Coordinator	Judy Kluge	
Violation Number Rule Cite(s)	3	
Rule Cite(s)	30 Tex. Admin. Code § 37.815(a) and (b)	
Violation Description	Failed to demonstrate acceptable financial assurance for taking corrective a for compensating third parties for bodily injury and property damage cau accidental releases arising from the operation of petroleum USTs.	
	Base	Penalty \$10,000
	ty and Human Health Matrix	
>> Livinoinmentary rioper	Harm	4
Release OR Actual	Major Moderate Minor	
Potential	Percent 0%	
•		
>>Programmatic Matrix Falsification	Major Moderate Minor	
Talsincation	x Percent 10%	
p-		
Matrix	100% of the rule requirement was not met.	
Notes	100% of the role requirement was not met.	
Lonconconstante		
	Adjustment	\$9,000
		\$1,000
Violation Events		
Violation Events		
Number of V	iolation Events 3 94 Number of violation do	ays
	dally	
and the state of t	weekly	
mark only one	monthly Quarterly Violation Base	Penalty \$3,000
with an x	quarterly Violation Base semiannual	Penalty \$3,000
	annual annual	
-	single event x	
r		
	Three single events (one event per UST) are recommended.	
		and the same of th
Good Faith Efforts to Comp	oly 25.0% Reduction	\$750
	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary	
	Ordinary x N/A (mark with x)	
	The Respondent came into compliance on May 18, 2011	
	Notes prior to the Notice of Enforcement ("NOE") dated June 24, 2011.	
	LANGE THE SHEET COME PARTY CALLS	
	Violation S	Subtotal \$2,250
Economic Benefit (EB) for	this violation Statutory Limit 1	Гest
2 September 1987 (1987 to 1987)		
Estimate	d EB Amount \$2,079 Violation Final Penal	ty Total \$3,623
	This violation Final Assessed Penalty (adjusted for	r limits) \$3,623

Respondent Case ID No. eg. Ent. Reference No.	QUICK GAS & 42034		Benefit	Wo	rksheet		
Media Violation No.	Petroleum Sto	rage Tank				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction		ļ		0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0,00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)		<u> 1</u>		0.00	\$0	n/a	\$0
Notes for DELAYED costs						AMPHARAS INVESTORS	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoi	
Disposal				0.00	\$0	<u>\$0</u>	\$0 \$0
Personnel		<u> </u>		0.00	\$0 \$0	\$0 \$0	\$0 \$0
pection/Reporting/Sampling		<u> </u>		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment	1 000	13 5 1 3044	30 M- 2044		\$0 \$99	\$0 \$1.980	\$2,079
Financial Assurance [2]	\$1,980	13-Feb-2011	18-May-2011	1.00 0.00	\$99 \$0	\$1,960	\$2,079 \$0
ONE-TIME avoided costs [3]				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed) Notes for AVOIDED costs				e for th	iree petroleum US	Ts (at \$660 per tan of date is the date o	k). The date
Approx. Cost of Compliance		\$1,980		<u></u>	TOTAL		\$2,079

Screening Date		Docket No. 2011-1142-PST-E	PCW
Respondent Case ID No.	QUICK GAS & LUBE INC.		Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference No.			r of hermon decade, any 2000
	Petroleum Storage Tank		
Enf. Coordinator			
Violation Number			
Rule Cite(s)	30	Tex. Admin. Code § 334.8(c)(5)(C)	-
Violation Description	permanently applied in nonremovable point in the	a legible tag, label, or marking with the tank nu- upon or affixed to either the top of the fill tube he immediate area of the fill tube for each regul he UST registration and self-certification form.	or to a
		Bas	se Penalty \$10,000
>> Environmental, Proper	ty and Human Haalt	h Matriv	
	Harm		·
Release	[00000000000000000000000000000000000000	Minor	en e
OR Actual Potential		Percent 0%	unnun
	Commence of the commence of th		•
>>Programmatic Matrix Falsification	Major Moderate	e Minor	
Faisilication	Major Moderate	Percent 10%	
Unanananananananananananananananananana		2000 2000 2000 2000 2000 2000 2000 200	•
Matrix	10000 -545-		
Notes	100% of the	rule requirement was not met.	
<u> </u>		,	
		Adjustment	\$9,000
operation of the state of the s			\$1,000
Violation Events			
Violation Events			
Number of	Violation Events 1	49 Number of violation	days
	daily		
	weekly		
mark only one	monthly	Violation Bas	se Penalty \$1,000
with an x	quarterly semiannual	Violation bas	se Pelialty \$1,000
	annual		
	single event x		
			Man 47
One single		ed on documentation of the violation during the 2011 investigation.	May 17,
L			
Good Faith Efforts to Com	ply 0.0	% Reduction	\$0
	Before NO	V NOV to EDPRP/Settlement Offer	
	Extraordinary Ordinary		
	N/A X	(mark with x)	
	P	ondent does not meet the good faith criteria for	
	Notes	this violation.	
	L.		
		Violation	Subtotal \$1,000
Economic Benefit (EB) for	this violation	Statutory Limi	t Test
Estimat	ted EB Amount	\$4 Violation Final Pen	alty Total \$1,482
	This	violation Final Assessed Penalty (adjusted	

Violation No. 4	N101906485 etroleum Sto Item Cost	rage Tank Date Required	Final Date	Yrs	Interest Saved	Percent Interest	Years of Depreciation
Media P Violation No. 4 Item Description No. 4 Delayed Costs Equipment Buildings	etroleum Sto Item Cost	rage Tank	Final Date	Yrs	Invariant Sayad	5.0	Depreciation
Media P Violation No. 4 Item Description No. 4 Delayed Costs Equipment Buildings	etroleum Sto Item Cost	rage Tank	Final Date	Yrs	Interest Saved	5.0	Depreciation
Item Description A Delayed Costs Equipment Buildings	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0	\$\$\$±±±±±±±±±±±±±±±±±±±±±±±±±±±±±±±±±±
Item Description Delayed Costs Equipment Buildings		Date Required	Final Date	Yrs	Interest Saver	n carrier a a sea grandista la la constitución de l	1
Item Description Delayed Costs Equipment Buildings		Date Required	Final Date	Yrs	Interect Saver	Owatima Carts	
Delayed Costs Equipment Buildings	lo commas or \$				Antervat Sures	Unetime Costs	EB Amount
Equipment Buildings							
Equipment Buildings							
Buildings							
				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land [0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	17-May-2011	6-Mar-2012	0.81	\$4	n/a	\$4
Notes for DELAYED costs Avoided Costs	date re	quired is the inve	stigation date a	and the	final date is the e	a label to each UST xpected date of com for one-time avoic	ipliance.
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0 l	\$0
Notes for AVOIDED costs							

	eening Date		Docket No. 2011-1142-PST-E	PCW
		QUICK GAS & LUBE INC.		Policy Revision 2 (September 2002)
Reg. Ent. Re	Case ID No.			PCW Revision October 30, 2008
		Petroleum Storage Tank		
	Coordinator			
	ation Number			
	Rule Cite(s)		30 Tex. Admin. Code § 334.42(i)	
Violatio	on Description	containers, or catchment I 60 days to assure the maintained liquid-tight and	mps including the dispenser sumps, manways, o basins associated with the UST system at least of at the sides, bottoms, and any penetration point diffee of any liquid or debris. Specifically, there in the spill containment bucket.	once every s are
			Bas	e Penalty \$10,000
.	ntal Dragon	ty and Human Healt	h Matrix	e derece de la companya de la compan
>> Environme	ntai, Propei	ty allu nulliali nealt Harm	II MAUIX	
	Release	Major Moderate	e Minor	'
OR	Actual		Percent 10%	
	Potential	l	Percent 1070;	***************************************
>>Programma	itic Matrix			
	Falsification	Major Moderate		1110000
	L	<u>L</u>	Percent 0%	
	Human heal	Ith or the environment will	or could be exposed to significant amounts of po	llutants
Matrix			rotective of human health or environmental rece	
Notes			sult of the violation.	
			Aut.	\$9,000
			Adjustment	\$9,000
				\$1,000
Violation Even	te			
		/iolation Events 1	49 Number of violation	days
				•
	mark only one	daily weekly monthly quarterly x	Violation Base	e Penalty \$1,000
	with an x	semiannual annual single event		, <u></u>
	One quarterly		sed on documentation of the violation during the to the July 5, 2011 screening date.	May 17,
Good Faith Effo	orts to Comi	ply 0.09	% Reduction	\$0
	#####################################	Before NOV		
		Extraordinary		
		Ordinary	(mark with x)	
		N/A x		
		Notes The Respo	ndent does not meet the good faith criteria for this violation.	ter-manufammanananananananananananananananananan
			Violation	Subtotal \$1,000
				~
Economic Bene	erit (EB) for	tnis violation	Statutory Limit	est
	Estimate	ed EB Amount	\$105 Violation Final Pena	alty Total \$1,482
		TL:	riolation Final Assessed Penalty (adjusted fo	or limits) \$1,482
		i nis v	rolation riliai Assesseu Fendity (dujusteu it	, , , , , , , , , , , , , , , , , , ,

	RN101906485 Petroleum Sto					Percent Interest	Years of Depreciation
Violation No.	5					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	anceneennaceeeensussessesses (CCCCM)	EB Amount
Item Description							
Delayed Costs							
Equipment		I I		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal			********	0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)		<u>I </u>		0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	
				0.00	\$0	\$0	\$0
Disposal		B B		0.00	\$0 \$0	\$0 \$0	\$0
Personnel		 	,	0.00			
Personnel pection/Reporting/Sampling				0.00			\$0 \$0
Personnel spection/Reporting/Sampling Supplies/equipment				0.00	\$0	\$0	\$0
Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	8100	19. Mrs 2013	17 May 2011	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$100	18-Mar-2011	17-May-2011	0.00 0.00 1.08	\$0 \$0 \$5	\$0 \$0 \$100	\$0 \$0 \$105
Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00 0.00 1.08 0.00	\$0 \$0 \$5 \$0	\$0 \$0	\$0 \$0 \$105 \$0

Screening Date		Docket No. 2011-1142-PST-E	PCW
	QUICK GAS & LUBE INC.	,	sion 2 (September 2002)
Case ID No. Reg. Ent. Reference No.		PCW Re	evision October 30, 2008
	Petroleum Storage Tank		
Enf. Coordinator			
Violation Number Rule Cite(s)	6		
Rule Cite(s)	30 Te	x, Admin. Code § 334.45(c)(3)(A)	
Violation Description	on each pressurized deliver	ncy shutoff valve (also known as shear or impact valve) y or product line and ensure that it is securely anchored r. Specifically, the shear valves for dispenser nos. 5 and	
		6 were not anchored.	
		Base Penalty	\$10,000
>> Environmental, Proper		Matrix	
Release	Harm Major Moderate	Minor	
OR Actual			
Potential	<u> </u>	Percent 10%	
>>Programmatic Matrix			
Falsification	Major Moderate	Minor Percent 0%	
		1 referre 570	
		could be exposed to significant amounts of pollutants	
Notes which would n		tective of human health or environmental receptors as a lt of the violation.	
L		it of the violation.	
		Adjustment \$9,000	
			\$1,000
Violation Events			
Number of V	/iolation Events 1	8 Number of violation days	
	daily		
mark only one with an x	quarterly x semiannual annual single event	Violation Base Penalty	\$1,000
One quarterly	event is recommended base 2011 investigation to t	d on documentation of the violation during the May 17, the May 25, 2011 compliance date.	
Good Faith Efforts to Comp		Reduction	\$250
	Before NOV Extraordinary	NOV to EDPRP/Settlement Offer	
	Ordinary		.
	N/A	(mark with x)	
		dent came into compliance on May 25, 2011 or to the NOE dated June 24, 2011.	
		Violation Subtotal	\$750
Economic Benefit (EB) for	this violation	Statutory Limit Test	
	ed EB Amount	\$1 Violation Final Penalty Total	\$1,208
		plation Final Assessed Penalty (adjusted for limits)	\$1,208

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No.	42034						
eg. Ent. Reference No. Media Violation No.	Petroleum Sto	orage Tank				Percent Interest	Years of Depreciation
Violation No.	0					5.0	15
Item Description		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	T			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$500	17-May-2011	25-May-2011	0.00	\$0 \$1	n/a n/a	\$0 \$1
Notes for DELAYED costs	Estimated cos	t to anchor the sh			required is the invi compliance.	estigation date and	the final date is
Avoided Costs	ANNIIAI	IZE [1] avoided	costs hefore	enterii	na item (except i	for one-time avoid	ded costs)
Avoided Costs Disposal	<i></i>	1 1 1 1 1 1 1 1 1 1 1 1 1		0.00	\$0	\$0	\$0
Personnel		(0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		1		0.00	\$0	50	\$0
Notes for AVOIDED costs							

Screening Date		Docket No. 2011-1142-PST-E	PCW
Respondent Case ID No.	QUICK GAS & LUBE INC.		Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference No.			YEW REVISION OCCUDES 30, 2000
Media [Statute]	Petroleum Storage Tank		
Enf. Coordinator			
Violation Number Rule Cite(s)			
	•	30 Tex. Admin. Code § 334.72(3)	
Violation Description	No. 1	ected release to the TCEQ within 24 hours. Speci econciliation ("SIR") results for April 2011 indicat	
Violation Description		ected release that was not reported.	
	L.	_	# # # # # # # # # # # # # # # # # # #
		Base	Penalty \$10,000
>> Environmental, Proper	rty and Human Healt	h Matrix	
Release	Harm Major Moderate	e Minor	
OR Actual		- Timor	
Potential		Percent 0%	
>>Programmatic Matrix			
Falsification	Major Moderate	Minor	
	X C	Percent 10%	
Matrix	100% of the	rule requirement was not met.	
Notes			
			±0.000
		Adjustment	\$9,000
			\$1,000
Violation Events			
violation Events			(38338888888888888888888888888888888888
	11	1 Number of violation d	ays
	daily		
	weekly		
mark only one	monthly	Wielekies Base	Penalty \$1,000
with an x	quarterly semiannual	Violation Base	Penalty \$1,000
	annual		
	single event x		
Ţ			
**************************************	One singl	e event is recommended.	
Good Faith Efforts to Com	nly 0.00	% Reduction	\$0
Good Faith Eriolts to com	Before NOV		
	Extraordinary		
	Ordinary		
	N/AI <u> </u>	(mark with x)	
	The Deene	ndent does not meet the good faith criteria for	
	Notes He Respo		
	Notes The Respo	this violation.	
	Notes The Respo	this violation.	uhtotal 61.000
	Notes The Respo		Subtotal \$1,000
Economic Benefit (EB) for	Notes	this violation.	
	this violation	this violation. Violation S Statutory Limit	lest
Economic Benefit (EB) for Estimate	this violation	this violation. Violation S	rest ty Total \$1,482

	Petroleum Sto	rage Tank				Percent Interest	Years of Depreciation
Violation No.					wasanjamanan) ing mara	5.0	15
	******* #****	Date Required	Final Date	Vec	Interact Savad	Onetime Costs	EB Amount
			rmai Date		Interest Saved	Onecome costs	/
Item Description	No commas or \$						
Delayed Costs							
Delayeu Costs Equipment	[<u> </u>		0.00	\$0	\$0	\$0
Buildings			***************************************	0.00	\$0	\$0	\$0
Other (as needed)		i i		0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)		<u> </u>		0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	
Disposal				0.00	\$0	\$0	<u>\$0</u>
Personnel		<u> </u>		0.00	\$0	\$0	\$0
pection/Reporting/Sampling		<u> </u>		0.00	<u>\$0</u>	\$0	<u>\$0</u>
Supplies/equipment		<u> </u>		0.00	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
		 	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~				
	\$100	1-May-2011	Z-May-2011				
	1	B	ووجود والمتنافذ والمتافذ والمتنافذ والمتنافذ والمتافذ والمتنافذ والمتنافذ والمتافذ والمتافذ والمتنافذ والم	0.00	- 50	L 3U 1	<u> </u>
Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$100	1-May-2011	2-May-2011	0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$100 \$0	\$0 \$100 \$0

		No. 2011-1142-PST-E	PCW
	dent QUICK GAS & LUBE INC.	·	2 (September 2002)
Reg. Ent. Reference	No. 42034	PCW Revision	on October 30, 2008
	ute] Petroleum Storage Tank		
	ator Judy Kluge		
Violation Nu	A		
Rule C	te(s) 30 Tex. Admin. Code	§ 334,74	
		20	
Violation Descr	ption Failed to investigate a suspected release within SIR results for April 2011 indicated a suspected		
		Base Penalty	\$10,000
·		-	
>> Environmental, P	operty and Human Health Matrix Harm		
	lease Major Moderate Minor		
11/11/11/11/11	Actual	250/	
Po	ential x	Percent 25%	
>>Programmatic Mal	rix		
Falsific			
		Percent 0%	
Matrix Human	health or the environment will or could be exposed to p are protective of human health or environmental rece	pollutants which would exceed levels	
Notes tha	are protective of number reality of environmental rece	ptors as a result of the violation.	
		Adjustment \$7,500	
		Adjustment \$7,500	
			\$2,500
Violation Events			
		Property Control of the Control of t	
	2 3	Number of violation days	
	daily		
	weekly		
mark on	monthly x		+F 000
with a	, x quarterly	Violation Base Penalty	\$5,000
	semiannual annual		
	single event		
Two mo	nthly events are recommended from the release invest	11777. 117 117. 117. 117.	
	the July 5, 2011 screening da	te.	
			\$0
Good Faith Efforts to	Comply 0.0% Reduction Before NOV NOV to EDPRP/Settlement	ent Offer	ΨO
	Extraordinary		
	Ordinary	minimi	
	N/A x (mark with x)		
	The Respondent does not meet l	the good faith criteria for	
	Notes this violation	on.	
	L		
		Violation Subtotal	\$5,000
conomic Benefit (EB	for this violation	Statutory Limit Test	
-			
Es	imated EB Amount \$172	Violation Final Penalty Total	\$7,412
	This violation Final Asses	sed Penalty (adjusted for limits)	\$7,412

		conomic	Benefit	Wo	rksheet		
Respondent		LUBE INC.		PF425554444	en estetetet passingen en eeneeme en eeneem		
Case ID No.							
eg. Ent. Reference No.						#0000000000000000000000000000000000000	
Media	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	8						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
ttem bescription	i ino commas or p					583000000000000000000000000000000000000	
Delayed Costs Equipment	·	1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	***************************************	1		0.00	\$0	\$0	\$0
Engineering/construction			-	0.00	\$0	\$0	\$0
Land	***************************************	d		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs							
				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	31-May-2011	6-Feb-2012	0.69	\$172	n/a	\$172
	Estimated c	ost to investigate was due a	a suspected rel and the final da	0.69 lease. te is th	\$172 The date required e expected date of	n/a is when the release f compliance. for one-time avoic	\$172 investigation led costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated c	ost to investigate was due a	a suspected rel and the final da	0.69 lease. te is the	\$172 The date required e expected date of them (except \$0	n/a is when the release f compliance. for one-time avoic \$0	\$172 investigation led costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated c	ost to investigate was due a	a suspected rel and the final da	0.69 ease. te is th enterin 0.00 0.00	\$172 The date required e expected date of them (except some some some some some some some some	n/a is when the release f compliance. for one-time avoic \$0 \$0	\$172 investigation led costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated c	ost to investigate was due a	a suspected rel and the final da	0.69 lease. te is th enterir 0.00 0.00	\$172 The date required e expected date of the first factor of the	n/a is when the release f compliance. for one-time avoic \$0 \$0 \$0 \$0	\$172 investigation led costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated c	ost to investigate was due a	a suspected rel and the final da	ease. te is the entering 0.00 0.00 0.00 0.00	\$172 The date required e expected date of the following item (except 1 \$0 \$0 \$0 \$0	n/a is when the release f compliance. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$172 investigation led costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated c	ost to investigate was due a	a suspected rel and the final da	0.69 lease. te is th 0.00 0.00 0.00 0.00	\$172 The date required e expected date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a is when the release f compliance. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$172 investigation led costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated c	ost to investigate was due a	a suspected rel and the final da	enterin 0.69 enterin 0.00 0.00 0.00 0.00	\$172 The date required e expected date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a is when the release from one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$172 investigation led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated c	ost to investigate was due a	a suspected rel and the final da	0.69 lease. te is th 0.00 0.00 0.00 0.00	\$172 The date required e expected date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a is when the release f compliance. for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$172 investigation led costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated c	ost to investigate was due a	a suspected rel and the final da	enterin 0.69 enterin 0.00 0.00 0.00 0.00	\$172 The date required e expected date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a is when the release from one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$172 investigation led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated c	ost to investigate was due a	a suspected rel and the final da	enterin 0.69 enterin 0.00 0.00 0.00 0.00	\$172 The date required e expected date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a is when the release from one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$172 investigation led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated c	ost to investigate was due a	a suspected rel and the final da	enterin 0.69 enterin 0.00 0.00 0.00 0.00	\$172 The date required e expected date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a is when the release from one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$172 investigation led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated c	ost to investigate was due a	a suspected rel and the final da	enterin 0.69 enterin 0.00 0.00 0.00 0.00	\$172 The date required e expected date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a is when the release from one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$172 investigation led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated c	ost to investigate was due a	a suspected rel and the final da	enterin 0.69 enterin 0.00 0.00 0.00 0.00	\$172 The date required e expected date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a is when the release from one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$172 investigation led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

PCM	Docket No. 2011-1142-PST-E		creening Date	
2 (September 200 on October 30, 20		QUICK GAS & LUBE INC.	Respondent Case ID No.	of the contract of the contract of
00000, 50, 20	Terr Keralio		Reference No.	
		Petroleum Storage Tank		
		******	f. Coordinator Violation Number	
	(b)(1)(A) and (d)(9)(A)(lii) and Tex. Water Code §		Rule Cite(s)	Vio
	26.3475(c)(1)			
	releases at a frequency of at least once every month sen each monitoring). Also failed to obtain an SIR			
	ovider within 15 calendar days following the last day		ation Description	Violatio
	th for which the analysis was performed.	of the calenda		
\$10,00	Base Penalty			
		2		
	trix	ty and Human Healt Harm	nental, Proper	Environme
	Minor	Major Moderate	Release	
	7.00 (a) (b) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c		Actual	R
	Percent 25%	X	Potential	
			matic Matrix	Programma
	Minor	Major Moderate	Falsification	
	Percent 0%			
			(
	be exposed to pollutants which would exceed levels ironmental receptors as a result of the violation.			Matrix Notes
	Torritorial Security and the French Security and the F	Decente of name in near near in	,s Lindi are p	Notes
	Adjustment \$7,500			

\$2,50	· ·			
			ents	lation Even
	Number of violation days	Valables Freehol	N a. 6 \	
	49 Number of violation days	iolation Events 1	Number of V	
		daily		
		weekly		
\$2,50	Violation Base Penalty	monthly quarterly x	mark only one	
	Violation 2000 . Citately	semiannual	with an x	
		annual		
		single event	·	
			<u> </u>	
	May 17, 2011 investigation date to the July 5, 2011 ning date.	event is recommended from	One quarterly	
	1			
			L	
\$	Yuction	5lv 0.09	fforts to Com	d Faith Eff
\$	Juction	Before NOV	fforts to Com	d Faith Eff
		Before NOV Extraordinary	fforts to Com	d Faith Effe
	/ to EDPRP/Settlement Offer	Before NOV Extraordinary Ordinary	Efforts to Com	d Faith Eff
	rk with x)	Extraordinary Ordinary N/A X	fforts to Com	d Faith Eff
\	rk with x) does not meet the good faith criteria for	Extraordinary Ordinary N/A X	ifforts to Com	d Faith Eff
	rk with x)	Extraordinary Ordinary N/A The Respo	Efforts to Com	d Faith Eff
	rk with x) does not meet the good faith criteria for this violation.	Extraordinary Ordinary N/A The Respo	Efforts to Com	d Faith Eff
\$2,50	rk with x) does not meet the good faith criteria for this violation. Violation Subtotal	Extraordinary Ordinary N/A Notes Refore NOV A The Respo		
	rk with x) does not meet the good faith criteria for this violation.	Extraordinary Ordinary N/A Notes Refore NOV A The Respo	Efforts to Comp	
	rk with x) does not meet the good faith criteria for this violation. Violation Subtotal Statutory Limit Test	Extraordinary Ordinary N/A x Notes The Respo	enefit (EB) for	
\$2,50	rk with x) does not meet the good faith criteria for this violation. Violation Subtotal Statutory Limit Test	Extraordinary Ordinary N/A Notes The Respo	enefit (EB) for	

	E	conomic	Benefit	Wo	rksheet		
Respondent	OUICK GAS &	LUBE INC.		**********	erere a sagre en la segue en acción de la como esta en la como esta en la como esta en la como esta en la como		>>> = = = = = = = = = = = = = = = = = =
Case ID No.							
Reg. Ent. Reference No.							
(eg. Em. Reference No.	Petroleum Sto	vrage Tank					Years of
		rage rank				Percent Interest	Depreciation
Violation No.							3 5 5 5 5 5 5 5 5 4 1 1 1 1 1 1 1 1 1 1 1
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	<u>\$0</u>
Remediation/Disposal	*************		*****	0.00	\$0	n/a	<u>\$0</u>
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	17-May-2011	6-Mar-2012	L0.81	\$60	n/a	\$60
Notes for DELAYED costs Avoided Costs		date required is th	ie investigation	date a	nd the final date is	e steps to obtain the the expected date for one-time avoid	of compliance.
Avoided Costs Disposal	AMMOAL	1	COOKS DETOIC	0.00	\$0	\$0	\$0
Personnel	 			0.00	\$0	\$0	\$0
spection/Reporting/Sampling		j		0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
		100					

Compliance History

Customer/Respondent/Owner-Operator:

CN603631664

QUICK GAS & LUBE INC.

Classification: POOR

Rating: 54.00

Regulated Entity:

RN101906485

QUICK GAS & LUBE

Classification: POOR

Site Rating: 54.00

ID Number(s):

PETROLEUM STORAGE TANK

REGISTRATION

60803

Location:

8621 WESTHEIMER RD, HOUSTON, TX, 77063

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

July 06, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

July 05, 2006 to July 05, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Judy Kluge

Phone:

(817) 588-5825

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

Quick Gas & Lube Inc.

3. If Yes, who is the current owner/operator? 4. If Yes, who was/were the prior owner(s)/operator(s)?

Awanz, LLC

When did the change(s) in owner or operator occur?

05/01/2009

Rating Date: 9/1/2010

Repeat Violator: NO

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. A.

Effective Date: 12/18/2009

ADMINORDER 2009-1050-PST-E

Classification: Minor

30 TAC Chapter 334, SubChapter A 334.8(c)(4)(C)

Description: Failed to submit a UST registration and self-certification form to the agency no later than 30 days after the date of ownership change, as documented during an investigation conducted on October

25, 2008.

Citation:

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.3467(a)

30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(i)

Description: Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, as documented during an investigation conducted on October 25, 2008. Specifically, one fuel delivery without a delivery certificate was

accepted.

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.3475(c)(1)

30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)

Description: Failed to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring), as documented during an investigation conducted on

October 25, 2008.

В. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

> 1 05/18/2010 (802866)

> 2 04/25/2011 (913282)

3 06/24/2011 (924296)

Written notices of violations (NOV). (CCEDS Inv. Track. No.) E.

Date:

05/18/2010

(802866)CN603631664

Self Report? NO

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.3475(c)(1)

30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)

Description:

Failed to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring), as documented during an

investigation conducted on October 25, 2008.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
QUICK GAS & LUBE INC.	§	
RN101906485	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-1142-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding QUICK GAS & LUBE INC. ("the Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a convenience store with retail sales of gasoline at 8621 Westheimer Road in Houston, Harris County, Texas (the "Facility").
- 2. The Respondent's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 29, 2011.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twenty-Five Thousand Five Hundred Eighty-Four Dollars (\$25,584) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Hundred

Ninety-Three Dollars (\$693) of the administrative penalty and Five Thousand One Hundred Sixteen Dollars (\$5,116) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Nineteen Thousand Seven Hundred Seventy-Five Dollars (\$19,775) of the administrative penalty shall be payable in 35 monthly payments of Five Hundred Sixty-Five Dollars (\$565) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Obtained acceptable financial assurance coverage for all USTs on May 18, 2011; and
 - b. Anchored the shear valves on May 25, 2011.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 Tex. ADMIN. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii), as documented during an investigation conducted on May 17, 2011. Specifically, the delivery certificate expired on August 31, 2010.
- 2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), as documented during an investigation conducted on May 17, 2011. Specifically, the Respondent received five deliveries of fuel without a delivery certificate.
- 3. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs, in violation of 30 Tex. Admin. Code § 37.815(a) and (b), as documented during an investigation conducted on May 17, 2011.
- 4. Failed to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube for each regulated UST according to the UST registration and self-certification form, in violation of 30 Tex. Admin. Code § 334.8(c)(5)(C), as documented during an investigation conducted on May 17, 2011.
- 5. Failed to inspect all sumps including the dispenser sumps, manways, overspill containers, or catchment basins associated with the UST system at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid-tight and free of any liquid or debris, in violation of 30 Tex. ADMIN. CODE § 334.42(i), as documented during an investigation conducted on May 17, 2011. Specifically, there was liquid in the spill containment bucket.
- 6. Failed to install an emergency shutoff valve (also known as shear or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser, in violation of 30 Tex. Admin. Code § 334.45(c)(3)(A), as documented during an investigation conducted on May 17, 2011. Specifically, the shear valves for dispenser nos. 5 and 6 were not anchored.
- 7. Failed to report a suspected release to the TCEQ within 24 hours, in violation of 30 TEX. ADMIN. CODE § 334.72(3), as documented during an investigation conducted on May 17, 2011. Specifically, statistical inventory reconciliation ("SIR") results for April 2011 indicated a suspected release that was not reported.
- 8. Failed to investigate a suspected release within 30 days of discovery, in violation of 30 Tex. Admin. Code § 334.74, as documented during an investigation conducted on May 17, 2011. Specifically, SIR results for April 2011 indicated a suspected release that was not investigated.

- 9. Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1), as documented during an investigation conducted on May 17, 2011.
- 10. Failed to obtain an SIR analysis from the designated provider within 15 calendar days following the last day of the calendar month for which the analysis was performed, in violation of 30 Tex. Admin. Code § 334.50(d)(9)(A)(iii) and Tex. Water Code § 26.3475(c)(1), as documented during an investigation conducted on May 17, 2011.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: QUICK GAS & LUBE INC., Docket No. 2011-1142-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately after the effective date of this Agreed Order, cease accepting fuel until such time as a valid UST delivery certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form, in accordance with 30 Tex. Admin. Code § 334.8 to:

Registration and Reporting Section Permitting & Registration Support Division, MC 138 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- b. Within 30 days after the effective date of this Agreed Order:
 - i. Ensure that the USTs at the Facility are properly tagged, labeled, or marked with an identification number that matches the number listed on the UST registration and self-certification form, in accordance with 30 Tex. ADMIN. CODE § 334.8;
 - ii. Clean the spill buckets and begin conducting bimonthly inspections of all sumps, manways, overfill containers, or catchment basins associated with the UST system, in accordance with 30 Tex. Admin. Code § 334.42;
 - iii. Establish and implement a process for reporting suspected releases, in accordance with 30 TEX. ADMIN. CODE § 334.72;
 - iv. Conduct an investigation of the suspected release and implement appropriate corrective measures, in accordance with 30 Tex. ADMIN. CODE § 334.74;
 - v. Implement a release detection method for all USTs and take appropriate steps to assure the receipt of a monthly analysis report from the SIR vendor within the first 15 calendar days of every month, in accordance to 30 Tex. ADMIN. CODE § 334.50; and
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b.v. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087 QUICK GAS & LUBE INC. DOCKET NO. 2011-1142-PST-E Page 6

with a copy to:

Waste Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

QÚICK GAS & LUBE INC. DOCKET NO. 2011-1142-PST-E Page 7

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

For the Commission

Authorized Representative of QUICK GAS & LUBE INC.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Rob B. Hard	11/3/11
For the Executive Director	Date
agree to the attached Agreed Order on behal	nd the attached Agreed Order. I am authorized to f of the entity indicated below my signature, and I d therein. I further acknowledge that the TCEQ, in materially relying on such representation.
 and/or failure to timely pay the penalty amou A negative impact on compliance history Greater scrutiny of any permit applicated Referral of this case to the Attorney additional penalties, and/or attorney for a linereased penalties in any future enformation Automatic referral to the Attorney Great and TCEQ seeking other relief as authorized 	ory; tions submitted; General's Office for contempt, injunctive relief ees, or to a collection agency; rement actions; eneral's Office of any future enforcement actions; ed by law.
In addition, any falsification of any compliance	e documents may result in criminal prosecution.
Signature	9-11-2011 Date
Anastasiia Sheremet	Sicretary
Name (Printed or typed)	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.